

**Subject:** Amendments to minutes of previous Committee relating to Slaughterhouse application 2006/696

**Status:** For Publication

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**Report to:** Development Control Committee    **Date:** 22nd June 2007

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**Report of:** The Head of Planning, Legal and Democratic Services

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**Portfolio**

**Holder:** Regeneration

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**Key Decision:** NO

Forward Plan     General Exception     Special Urgency     "X" In Relevant Box

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**1. PURPOSE OF REPORT**

1.1 To seek clarification of the decision taken by this Committee at its April 2007 meeting.

**2. MINUTE REQUIRING AMENDMENT**

**Renewable energy**

2.1 The decision notice in relation to condition 7 reads as follows:-

Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, a scheme detailing 10% of the development hereby approved to be powered by renewable energy facilities provided on site. The renewable energy facilities shall be implemented in accordance with the approved scheme and thereafter maintained.

*REASON: In order to encourage the use of renewable energy sources in the absence of detailed local planning policies having regard to PPS22.*

2.2 The Council has received and investigated a formal complaint by the agent Mr. Steven Hartley that the decision notice and the minutes are not the same.

2.3 The complaint has been investigated by the Deputy Chief Executive and in order to clarify the matter this report has been presented to Committee.

2.4 The minute of Committee ratifies the conditions contained within the report to Committee in which condition 7 reads as follows:

2.5 Prior to the commencement of development on site, the applicant shall submit the Local Planning Authority for their approval, a scheme detailing renewable energy facilities within the development hereby approved. The renewable energy facilities shall be implemented in accordance with approved scheme and thereafter maintained.

*REASON: In order to encourage the use of renewable energy sources in the absence of detailed local planning policies having regard to PPS22.*

2.6 The question for Members therefore is to clarify their intention in relation to the renewable energy condition. How much of the Site did the Committee wish to see as powered by renewable facilities. The Head of Planning, Legal and Democratic Services is firmly of the opinion that Committee agreed a 10% contribution by the developer.

2.7 The agent had spoken to the report author prior to the Committee meeting requesting that the Committee did not impose the renewable energy condition to the whole site. The effect of the wording in the Committee report would have been that the Council could have requested renewable energy facilities for the whole site.

2.8 The report to Committee is attached at Appendix 1, the minutes of the Committee are attached at Appendix 2 and the decision notice is attached at Appendix 3.

### 3. RECOMMENDATION

3.1 That the Committee agrees to the amendment of the minutes to reflect the decision notice.

### 4. CONSULTATION CARRIED OUT

4.1 None

<b>Contact Officer</b>	
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Service / Team	Planning
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Background Papers	
Document	Place of Inspection
N/A	Futures Park, Bacup



**Appendix 1**

ITEM NO: B2

<b>Application No:</b>	<b>2006/696</b>	<b>Application Type:</b>	Reserved Matters
<b>Proposal:</b>	Erection of 21 dwellings	<b>Location:</b>	Slaughter House, Burnley road East, Whitewell Bottom, BB4 9LB
<b>Report of:</b>	Head of Planning and Democratic Services	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	10 <sup>th</sup> April 2007
<b>Applicant:</b>	McDermott Developments	<b>Determination Expiry Date:</b>	19 <sup>th</sup> April 2007
<b>Agent:</b>	N/A		

**REASON FOR REPORTING**

**Outside Officer Scheme of Delegation** Yes

**Member Call-In** No

Name of Member:

Reason for Call-In:

**More than 3 objections received** No

Other (please state) .....

**HUMAN RIGHTS**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

**Article 8**

The right to respect for private and family life, home and correspondence.

**Article 1 of Protocol 1**

The right of peaceful enjoyment of possessions and protection of property.

## **1. APPLICATION DETAILS**

### **1.1 The Site and the Proposal**

1.1.1 The application site lies to west of Burnley Road East, Whitewell Bottom. The site was formerly occupied by a slaughter house which covered the northern end of the site but has recently been demolished. The site has been leveled with evidence of the demolished building being retained. The site stands vacant.

1.1.2 The site is bounded by a playing field to the north, Burnley Road East where the land rises to Foxhill Drive to the east, by houses to the south and by Whitewell Brook to the west the other side of which has a sheer rock face rising away from the Brook.

### **1.2 Relevant Planning History**

1.2.1 2003/ 566 – Outline application for a residential development (0.35 hectares) – application was refused on the grounds of housing over-supply (prior to the introduction of the Council's Housing Position Statement ) and was subsequently allowed on appeal 19/04/2004.

### **1.3 Proposal**

1.3.1 The application seeks planning permission for the matters reserved on the Outline approval 2003/566. The scheme seeks consent for the erection of 21 dwelling comprising of 6 flats and 15 houses. The apartment block would be 3 storeys high with 2 flats per floor with the rear elevation running parallel to White Brook. The front elevation would face in to a courtyard area formed by the access road and parking bays serving the two rows of terraced houses which would stand perpendicularly to Burnley Road East.

1.3.2 The row of houses forming plots 1-4 would meet Burnley Road East with plot 1, a two and a half storey dwelling house set down from the remaining plots which would be occupied by 3 storey dwellings. This would be mirrored to the south along plots 5-8. Plots 9-13 would form a terrace of 5 houses running parallel to Burnley Road East, with a two and a half storey dwelling at either end with 3 storey dwellings placed centrally. Plots 14 and 15 would be occupied by a pair of semi-detached houses 3 storeys high standing at right angles to Burnley Road East.

1.3.3 The development would be serviced by two separate access roads, to north the road would serve plots 1-10 and the block of flats as well as the associated parking courts. The second to the south would service plots

12-15 and a smaller parking area. The submitted plans show bin storage and cycle parking details as well as a 6-metre easement to allow for Environment Agency maintenance to the river. The applicant has submitted a contaminated land assessment with the application

- 1.3.4 Following negotiations with the applicant, amended plans were received on 22<sup>nd</sup> March 2007, that have been altered which have revised the positioning of plots 9-13 to increase the separation distance between plot 9 and plots 6-8 which has resulted in the movement of the southern access road southwards. The applicant has increased the size of the dustbin store to accommodate the requisite number of waste and recycling bins and has shown areas where bins can be stored for collection. The applicant has increased buffer planting to the sides of plots 4, 5 and to the apartment block as well as submitting details of the retaining wall adjacent to Whitewell Brook and boundary treatment to the edges of the site. The applicant has also offered a contribution towards public open space of £21,000 to be paid via a unilateral undertaking.

#### **1.4 Policy Context**

- PPS 1 – Delivering Sustainable Development
- PPG13 - Transport
- PPG 17 – Planning for Open Space, Sport and Recreation
- PPS 22 – Renewable Energy
- PPS23 – Planning and Pollution Control
- PPG24 – Planning and Noise

##### Regional Spatial Strategy for the North-West

##### Joint Lancashire Structure Plan

- Policy 1 – General Policy
- Policy 2 – Main Development Locations
- Policy 12 – Housing Provision
- Policy 18 – Major Hotel Development
- Policy 21 – Lancashire's Natural and Manmade Heritage

##### Rossendale Local District Plan

- DS1 – Urban Boundary
- E7 – Contaminated Land
- E12 – Noise Attenuation
- DC1 – Development Criteria
- DC2 - Landscaping
- DC3 - Public Open Space
- DC4 - Materials

T4	– Car Parking
T6	– Pedestrians
T7	– Cycling
T8	– Access for Disabled People

## **2. CONSULTATION RESPONSES**

### **2.1 Internal Consultations**

Drainage – no comments to make on this application.

Environmental Health – recommend noise attenuation measures be included in the scheme to reduce noise from passing traffic along Burnley Road East, to be secured by condition.

Street-scene and Liveability

Open Space – a contribution towards public open space will be required: either 0.3 hectares on site or a commuted sum payment of £1,000 per dwelling towards maintenance of existing facilities.

Refuse - space for 2 bins per dwelling house required and four 1100-litre bins for the flats as well as storage and collection points to be provided.

### **2.2 External Consultations**

LCC Highways – visibility splays from the proposed access roads need to be maintained free of obstruction to be replaced by hard surfacing.

Environment Agency – do not object to the proposal subject to conditions requiring a structural survey to be undertaken of the retaining wall adjacent to Whitewell Brook and details of the replacement wall and boundary treatment to be submitted and approved prior to the commencement of development on site.

## **3. REPRESENTATIONS**

3.1 No letters of objection received.

## **4. REPORT**

4.1 The principle of the development was established by the outline application granted at appeal. Thus, the main considerations of the application are the acceptability of the land contamination assessment, requested by condition on the appeal decision for 2003/566 and the acceptability of the form and layout of the proposal.

- 4.2 The Environmental Health department of the Council considers that the contaminated land assessment submitted with the application is acceptable. The application should be subject to a condition covering the implementation of remedial measures.
- 4.3 The height of the proposed development would range between 2 and a half and 3 and a half storeys high which would not conflict with any adjoining development as the site is isolated and would be viewed against the backdrop of the steeply climbing hill to the west. Again, the site's separation from residential development means there would be little impact on residential amenity. However, at the southern tip of the site, the proposed dwellings would be 2 storeys high, would have adequate separation from the existing dwellings and would be situated to the north. The density, character, position and proximity of the properties together with the materials they are to be constructed from, would be acceptable. As such, the form of the proposed development is considered acceptable.
- 4.4 The development makes adequate parking provision and access for vehicles and pedestrians. The Highway Authority have requested conditions be attached requiring the visibility splays to be maintained clear of low-level planting and that the railing to the front of the scheme are below 1.1 metre high. The development would be served by a shared-access arrangements which would assist in traffic calming the scheme, although a condition is recommended to agree the materials used in construction. A landscaping scheme has been indicated on the layout plan, as have bin storage and cycle parking although these will be controlled by condition. The scheme provides a good level of natural surveillance and a condition can be attached to require details of additional Secure by Design details and to secure a controlled entry system to the apartment block. The applicant has not provided public open space within the scheme but has offered to provide a commuted sum payment of £21,000 towards maintenance of other nearby recreation sites, in lieu. The layout of the proposed development is considered acceptable.
- 4.5 There were no letters or emails from nearby residents objecting to the scheme.

## 5. **CONCLUSION**

- 5.1 The application is acceptable and recommended for approval.

## 6. **RECOMMENDATION(S)**

- 6.1 That the Committee be minded to Approve the application subject to the completion of the Unilateral Undertaking being satisfactory. Delegated authority is sought to be devolved to the Head of Planning to refuse the application if the Unilateral Undertaking does not satisfactorily provide the commuted sum payment for Public Open Space by the 18<sup>th</sup> April 2007.

## 7. REASONS FOR APPROVAL

The proposal has been found to be acceptable in principle and would be acceptable in terms of its form and layout and public open space provision and therefore conforms with the following policies of the Rossendale District Local Plan DS1 – Urban Boundary, E7 – Contaminated Land, E12 – Noise Attenuation, DC1 – Development Criteria, DC2 – Landscaping, DC3 – Public Open Space, DC4 – Materials, T4 – Car Parking, T6 – Pedestrians, T7 – Cycling, T8 – Access for Disabled People. There are no other material considerations which outweigh this finding.

## 8. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
*REASON: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act*
2. This decision relates to the drawings date stamped 21 MAR 2007 and the development shall not be carried out except in accordance with the drawings hereby approved or as subsequently amended and approved in writing by the Local Planning Authority.  
*REASON: For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Joint Lancashire Structure Plan and Rossendale Local Plan.*
3. The development hereby approved shall not commence until full details of the natural stone and natural slate to be used in the construction of the external facings and surfaces to the proposed development (notwithstanding any details shown on the previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved external facing and surfacing materials and shall thereafter be maintained.  
*REASON: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
4. Prior to the commencement of development on site, a landscaping scheme, including details of boundary treatment, street furniture, rainwater goods and surface materials to the shared access areas, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme for soft and hard landscaping shall be implemented not later than 12 months from the date the building(s) is first occupied; and any materials, trees or shrubs removed, dying or



becoming severely damaged or becoming severely diseased within two years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

*Reason To secure the satisfactory development of the site and in the interests of visual amenity.*

5. The garages forming part of the development hereby approved shall not be converted to additional living accommodation without the written approval of the Local Planning Authority.  
*REASON: To ensure adequate car parking provision is retained : In the interests of highway safety, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, (or any order revoking or re-enacting that Order), no development shall be carried out within the terms of Classes A, B, C, D, E, F, G, H of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Order, without the prior consent of the Local Planning Authority.  
*REASON: To ensure that future inappropriate alterations or extensions do not occur.*
7. Prior to the commencement of development on site, the applicant shall submit the Local Planning Authority for their approval, a scheme detailing renewable energy facilities within the development hereby approved. The renewable energy facilities shall be implemented in accordance with approved scheme and thereafter maintained.  
*REASON: In order to encourage the use of renewable energy sources in the absence of detailed local planning policies having regard to PPS22.*
8. The residential accommodation hereby approved shall include acoustic glazing and acoustically treated ventilation in accordance with an acoustic attenuation scheme to be submitted to and approved in writing by the Local Planning Authority before the development commences. The acoustic attenuation scheme hereby approved shall be implemented in full before use of the residential premises first commences and shall thereafter be maintained.  
*REASON: To protect the amenity of the occupants of the premises once the development hereby approved is occupied pursuant to Policy E12 – Noise Attenuation of the Rossendale District Local Plan.*
9. The visibility splays indicated on the approved plans dated 21 MAR 2007, at the junctions of the proposed development with Burnley Road East, shall be implemented to the written satisfaction of the Local

Planning Authority before the development is brought into use and subsequently maintained free of obstruction.

*Reason: To ensure the inter-visibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Policy DC1 of the Rossendale District Local Plan.*

10. Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, a structural survey of the retaining wall adjacent to Whitewell Brook be undertaken and details of the replacement wall and boundary treatment to be submitted. The approved details shall be implemented prior to the commencement of development hereby approved and shall thereafter be maintained.

*Reason: To ensure the stability of the wall in the interest of flood prevention.*

11. Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, details of the security measures, to include an audio-visual controlled entry system to the apartment block, to the development hereby approved. The approved security measures shall be implemented prior to the dwellings hereby approved first being occupied and shall thereafter be maintained.

*Reason: In the interests of the security of the future occupiers of the dwellings.*

12. Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and; The approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.

*REASON: To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 – Planning and Pollution Control and Policy E7 – Contaminated Land of the Rossendale District Local Plan.*

13. If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be

carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.

*REASON: To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 – Planning and Pollution Control and Policy E7 – Contaminated Land of the Rossendale District Local Plan.*

14. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

*REASON:: To safeguard the amenities of nearby residential properties, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

<b>Contact Officer</b>	
Name	Adrian Harding
Position	Senior Planning Officer
Service / Team	West Area Team – Development Control
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**APPLICATION NUMBER 2006/696  
ERECTION OF 21 DWELLINGS  
AT: SLAUGHTER HOUSE, BURNLEY ROAD EAST, WHITEWELL BOTTOM**

The Senior Planning Officer introduced the report and referred to the additional representations received since publication of the report.

The Head of Planning, Legal and Democratic Services noted the additional requirements of the County Council which needed to be controlled by condition. The Highways Authority had indicated that the pavements into the site must be constructed in hard paving, not landscaping and fencing must be no more than 1 metre high.

A proposal was moved and seconded to approve the application subject to the conditions in the report.

Voting took place on the proposal, the result of which was as follows:

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTENTION</b>
11	0	0

**Resolved:**

That the application be granted subject to the conditions in the Report and that authority be delegated to the Head of Planning, Legal and Democratic Services to refuse the application if the Unilateral Undertaking does not satisfactorily provide the commuted sum payment of £21,000 for Public Open Space by 18<sup>th</sup> April 2007.

**NB: COUNCILLORS SWAIN AND THORNE LEFT THE ROOM DURING  
CONSIDERATION OF THE FOLLOWING ITEM OF BUSINESS**

# Rossendale Borough Council

## Town and Country Planning Act 1990 Planning Permission

PLA11058

**Applicants Name** : McDermott Developments Ltd

**Notice Recipient** : McDermott Developments Ltd  
(Applicant/Agent) The Portal  
Bridgewater Close  
Network 65 Business Park  
Burnley  
BB11 5TT

### **Part 1 - Particulars of Application**

**Date Received** : 18/01/2007

**Application No** : 2006/696

**Proposed works** : Reserved Matters Application for the erection of 21 dwellings and associated works

**Location** : **SLAUGHTER HOUSE BURNLEY ROAD EAST WHITEWELL BOTTOM BB4 9LB**

**Grid Reference** : (E)38358030(N)42352960

### **Part 2 - Particulars of Decision**

The Rossendale Borough Council hereby give notice that **planning permission has been granted** for the execution of works referred to in Part I hereof in accordance with the application and plans submitted **subject to the following conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason for this condition** : Required by Section 51 of the Planning and Compulsory Purchase 2004 Act

- 2 This decision relates to the drawings date stamped 18 January 2007 and amended/additional drawings date stamped 21 March 2007, and the development shall not be carried out except in accordance with the drawings hereby approved or as subsequently amended and approved in writing by the Local Planning Authority.

**Reason for this condition** : For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to policies of the Joint Lancashire Structure Plan and Rossendale Local Plan.

- 3 The development hereby approved shall not commence until full details of the natural stone and natural slate to be used in the construction of the external facings and surfaces to all the dwellings forming part of the development hereby approved (notwithstanding any details shown on the previously submitted plan(s) and specification), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved external facing and surfacing materials and shall thereafter be maintained.

**Reason for this condition :** To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

- 4 Prior to the commencement of development on site, a landscaping scheme, including details of boundary treatment (which shall not exceed 1 metre in height adjacent to Burnley Road East), street furniture, rainwater goods and surface materials to the shared access areas, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme for soft and hard landscaping shall be implemented not later than 12 months from the date the building(s) is first occupied; and any materials, trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within two years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.

**Reason for this condition :** To secure the satisfactory development of the site and in the interests of visual amenity.

- 5 The garages forming part of the development hereby approved shall not be converted to additional living accommodation without the written approval of the Local Planning Authority.

**Reason for this condition :** To ensure adequate car parking provision is retained : In the interests of highway safety, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

- 6 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, (or any order revoking or re-enacting that Order), no development shall be carried out within the terms of Classes A, B, C, D, E, F, G, H of Part 1 and Classes A and B of Part 2 of Schedule 2 of the Order, without the prior consent of the Local Planning Authority.

**Reason for this condition :** To ensure that future inappropriate alterations or extensions do not occur.

- 7 Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, a scheme detailing 10% of the development hereby approved to be powered by renewable energy facilities provided on site. The renewable energy facilities shall be implemented in accordance with the approved scheme and thereafter maintained.

**Reason for this condition :** In order to encourage the use of renewable energy sources in the absence of detailed local planning policies having regard to PPS22.

- 8 The residential accommodation hereby approved shall include acoustic glazing and acoustically treated ventilation in accordance with an acoustic attenuation scheme to be submitted to and approved in writing by the Local Planning Authority before the development commences. The acoustic attenuation scheme hereby approved shall be implemented in full before use of the residential premises first commences and shall thereafter be maintained.

**Reason for this condition :** To protect the amenity of the occupants of the premises once the development hereby approved is occupied pursuant to Policy E12 - Noise Attenuation of the Rossendale District Local Plan.

- 9 The visibility splays indicated on the approved plans dated 21 MAR 2007, at the junctions of the proposed development with Burnley Road East, shall be implemented to the written satisfaction of the Local Planning Authority before the development is brought into use and subsequently maintained free of obstruction.

**Reason for this condition :** To ensure the inter-visibility of the users of the site and the adjacent highways in the interests of road safety pursuant to Policy DC1 of the Rossendale District Local Plan.

- 10 Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, a structural survey of the retaining wall adjacent to Whitewell Brook be undertaken and details of the replacement wall and boundary treatment to be submitted. The approved details shall be implemented prior to the commencement of development hereby approved and shall thereafter be maintained.

**Reason for this condition :** To ensure the stability of the wall in the interest of flood prevention.

- 11 Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, details of the security measures, to include an audio-visual controlled entry system to the apartment block, to the development hereby approved. The approved security measures shall be implemented prior to the dwellings hereby approved first being occupied and shall thereafter be maintained.

**Reason for this condition :** In the interests of the security of the future occupiers of the dwellings.

- 12 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site, and; The approved contamination testing shall then be carried out and validatory evidence (laboratory certificates etc) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought onto site.

**Reason for this condition :** To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control and Policy E7 - Contaminated Land of the Rossendale District Local Plan.

- 13 If during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales to the approval of the Local Planning Authority.

**Reason for this condition :** To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to Planning Policy Statement 23 - Planning and Pollution Control and Policy E7 - Contaminated Land of the Rossendale District Local Plan.

- 14 Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

**Reason for this condition :** To safeguard the amenities of nearby residential properties, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

#### **Summary of Reasons for Approval**

- 1 The proposal has been found to be acceptable in principle and would be acceptable in terms of its form and layout and public open space provision and therefore conforms with the following policies of the Rossendale District Local Plan DS1 – Urban Boundary, E7 – Contaminated Land, E12 – Noise Attenuation, DC1 – Development Criteria, DC2 – Landscaping, DC3 – Public Open Space, DC4 – Materials, T4 – Car Parking, T6 – Pedestrians, T7 – Cycling, T8 – Access for Disabled People. There are no other material considerations which outweigh this finding.

#### **Summary of the policies and proposals in the Development Plan(s) which are relevant to the decision**



**Local Plan**

- DC1 Development Criteria
- DC2 Landscaping
- DC3 Public Open Space
- DC4 Materials
- DS1 Urban Boundary
- E12 Noise Attenuation
- E7 Contaminated Land
- T4 Car Parking
- T6 Pedestrians
- T7 Cycling
- T8 Access for disabled people

**Note:**

**Date:** 19 April 2007

Development Control  
One Stop Shop  
Town Centre Offices  
Lord Street, Rawtenstall  
Rossendale BB4 7LZ

Adrian Harding  
Senior Planning Officer

### **Notes**

N.B. This permission refers only to that required under the Town and Country Planning Act 1990 and does not include any consent or approval under any other enactment, byelaw, order, regulation or Act. This consent does not constitute Listed Building Consent.

#### **A) Appeals to the Secretary of State**

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he or she may appeal to the Secretary of State in accordance with sections 78 and 79 of the Town and Country Planning Act 1990 within six months of the date of this notice. (Appeals must be made on a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or from the web site [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)). The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Council. Appeals that are pursued unreasonably may be the subject of an award of costs in accordance with the provision of Circular 8/93.

#### **B) Purchase Notices**

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.